

REMARKS

Reconsideration of the application in view of the following remarks is respectfully requested. Claims 1-51, 63-64, and 78-79 have been canceled. Claims 52-62, 65-77, and 80-95 are currently pending in the application.

CLAIM REJECTIONS – 35 U.S.C. §112

In the Final Office Action, the Examiner reiterated the rejection of claims 82-95 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner contended that the metes and bounds of the recited components were not clear since it was not clear whether the components referred to software or structural elements. This rejection is respectfully traversed.

In claims 82-95, a system is recited. This system comprises a plurality of components, data stores, and a network. In the claims, the structures of the components are set forth using means-plus-function language, which is perfectly permissible under 35 U.S.C. §112, sixth paragraph. Nonetheless, the Examiner contended that further clarification is needed. Applicants respectfully disagree.

From the Examiner's comments, it appears that the Examiner is under the belief that the means-plus-function elements of claims 82-95 may be interpreted to encompass software *per se*. Applicants do not believe that such an interpretation would be reasonable. It is quite well known in the computing arts that software *per se* (i.e. software in and of itself) is incapable of providing any function. Functionality is realized only when the software is executed by one or more processors. Since the elements at issue in claims 82-95 are recited as means for performing certain functions, and since software *per se* is incapable of performing any functions, it is clear that the means-plus-

function elements of claims 82-95 do not encompass software *per se*. Therefore, Applicants do not believe that any further clarification is needed, and hence, request that this rejection be withdrawn.

Applicants would further like to note that the Examiner's statement in the Final Office Action that Applicants admitted that the recited components may be software *per se* is a gross mischaracterization of Applicants' arguments. In the response to the previous Office Action, Applicants stated that the claims are intended to cover both hardware and software implementations. Applicants never stated that the claims are intended to cover software *per se*. A software implementation (which may, for example, be an implementation in which functionality is derived by having one or more processors execute a set of software) is by no means the same as software *per se*, and Applicants want to make it clear that Applicants never admitted that the recited components may be software *per se*.

CLAIM REJECTIONS – 35 U.S.C. §102

In the Final Office Action, the Examiner rejected claims 52, 53, 60-62, 67, 68, 75-77, 82 and 91 under 35 U.S.C. §102(e) as being anticipated by Akifuji et al. (U.S. Patent No. 6,853,974). This rejection is respectfully traversed.

Claim 52

Claim 52 recites:

A method, comprising:
 maintaining, in a first data store, information pertaining to a plurality of instances of a business process, wherein each of the instances of the business process comprises a plurality of activities that need to be performed, and wherein the activities are performed by activity components which are distributed across a network;

storing a particular activity performance request in a second data store, which requests performance of a particular activity of a particular instance of the business process, wherein the second data store can be accessed by a particular activity component to retrieve the particular activity performance request, and wherein the second data store can be accessed by the particular activity component to store a particular message comprising activity performance information for the particular activity of the particular instance of the business process;
 accessing the second data store to obtain the particular message therefrom;
 determining that the particular message pertains to the particular activity of the particular instance of the business process; and
 updating, in the first data store, information pertaining to the particular activity of the particular instance of the business process to reflect the activity performance information in the particular message. (Emphasis added)

Claim 52 provides an advantageous method for managing and monitoring the performance of a business process in a system in which the activity components that perform the activities of the business process are distributed across a network. According to the method of claim 52, information pertaining to a plurality of instances of a business process is maintained in a first data store. Each instance of the business process comprises a plurality of activities that need to be performed.

To request that a particular activity of a particular instance of the business process be performed, the method stores a particular activity performance request in a second data store. This second data store can be accessed by a particular activity component to retrieve the particular activity performance request. It can also be accessed by the particular activity component to store a particular message comprising activity performance information for the particular activity. Thus, the particular activity component can retrieve the particular activity performance request from the second data store, perform the requested activity, and store a particular message back in the second store to indicate the status of the activity performance. In this manner, the second data store can be used as a centralized request and message repository to enable activity

components distributed across a network to retrieve activity performance requests and to communicate information pertaining to the performance of the requested activities.

After storing the particular activity performance request in the second data store, the method accesses the second data store to obtain the particular message stored by the particular activity component. This particular message comprises activity performance information for the particular activity (e.g. whether the particular activity was successfully performed, results of the activity performance, etc.). The method determines from the particular message that the message pertains to the particular activity of the particular instance of the business process. Then, the method updates the information in the first data store pertaining to the particular activity of the particular instance of the business process. Specifically, the method updates the information in the first data store to reflect the activity performance information in the particular message. In this manner, the method causes the particular activity of the particular instance of the business process to be performed by an activity component distributed across a network, and updates the information pertaining to the particular activity to reflect the activity performance information provided by the activity component.

Such a method is neither disclosed nor suggested by Akifuji. Instead, Akifuji discloses a system for monitoring the status of a workflow, and notifying a user when the status of the workflow changes. Specifically, in Akifuji, a status watcher 90 monitors an application database 80 for changes in the attributes of a workflow (see e.g. Col. 5, lines 19-23). If the status watcher 90 detects a change, it informs a workflow engine 100 of the new status of the workflow (see e.g. Col. 5, lines 19-23 and lines 44-49). In response, the workflow engine 100 updates an object in a working data base 50 and provides the object to a resource selector 110 (see e.g. Col. 6, lines 11-19) (note: in Akifuji, the term

resource refers to a user). In turn, the resource selector 110 determines a user to notify regarding the change in status, and provides information pertaining to the user to a notifier 120 (see e.g. Col. 6, lines 23-34). Thereafter, the notifier 120 sends a notification to the in-box of the user (see e.g. Col. 6, lines 49-53). In this manner, the user is notified of the change in the status of the workflow.

A significant point to note regarding Akifuji is that it is mainly concerned with monitoring a workflow for status change and notifying a user of the status change. Akifuji is not concerned with causing the activities of a workflow to be performed by activity components distributed across a network. Thus, unlike the method of claim 52, there is nothing in Akifuji that discloses or suggests storing a particular activity performance request in a second data store, which requests performance of a particular activity of a particular instance of the business process. There is also no mention in Akifuji of a second data store that can be accessed by a particular activity component to retrieve the particular activity performance request. Furthermore, there is no teaching or suggestion in Akifuji of a second data store that can be accessed by the particular activity component to store a particular message comprising activity performance information for the particular activity of the particular instance of the business process. Overall, the focus of Akifuji is quite different from that of claim 52. That being the case, it should come as no surprise that Akifuji does not disclose or suggest as least the above-discussed aspects of claim 52.

In support of the rejection, the Examiner cited several portions of Akifuji. Applicants have reviewed the cited portions, but do not see where any of the above-noted aspects of claim 52 are taught. First of all, it is not clear which element in Akifuji the Examiner is interpreting to be the second data store recited in claim 52. From the

Examiner's comments, it appears that it might be the action/definition table 20 (Fig. 1 of Akifuji). If the action/definition table 20 of Akifuji is interpreted to be the second data store of claim 52, then clearly Akifuji does not disclose or suggest the method of claim 52.

Specifically, it is noted that the action/definition table 20 stores information indicating which business process actions are performed by which divisions (see e.g. Fig. 4, Col. 4, lines 13-16). Thus, the information in table 20 is definitional information that defines what steps are carried out in a business process. For example, table 20 may specify that an inquiry step and an estimation step are performed by a sales division. A significant point to note regarding the action/definition table 20 is that, unlike the second data store of claim 52, it does not store anything that can be reasonably interpreted to be an activity performance request which requests the performance of a particular activity. When a component stores an entry in the action/definition table 20, it is defining a step that is performed in a business process. It is in no way requesting that that particular step be performed. There is absolutely nothing in Akifuji that discloses or suggests storing an activity performance request in the action/definition table 20 to request that a particular action be performed. The action/definition table 20 is not used for this purpose and there is no teaching or suggestion in Akifuji that it be used for this purpose. Thus, unlike the method of claim 52, Akifuji does not disclose or suggest storing a particular activity performance request in a second data store, which requests performance of a particular activity of a particular instance of a business process.

Akifuji also does not contain any teaching or suggestion that the action/definition table 20 can be accessed by a particular activity component to retrieve the particular activity performance request (since the information in the action/definition table 20 is not

an activity performance request, no activity component would access the table 20 to retrieve an activity performance request). Furthermore, there is no teaching or suggestion in Akifuji that the action/definition table 20 can be accessed by a particular activity component to store a particular message comprising activity performance information for a particular activity. As noted above, the information in the action/definition table 20 is definitional information. There is no mention in Akifuji of using the action/definition table 20 as a message store to store messages comprising activity performance information. As made clear by the above arguments, Akifuji fails to disclose or suggest at least several aspects of claim 52. Thus, Applicants submit that claim 52 is patentable over Akifuji.

Applicants further submit that claims 53 and 60-62, which depend from claim 52, and which recite further advantageous aspects of the invention, are likewise patentable over Akifuji for at least the reasons given above in connection with claim 52.

In future Office Actions, if the Examiner continues to use Akifuji as a reference, Applicants respectfully request that the Examiner specifically identify which element in Akifuji the Examiner is interpreting to be the second data store of claim 52. Applicants further request that the Examiner identify the specific portions of Akifuji that purportedly teach: (1) storing a particular activity performance request in a second data store, which requests performance of a particular activity of a particular instance of a business process; (2) that the second data store can be accessed by an activity component to retrieve a particular activity performance request; and (3) that the second data store can be accessed by an activity component to store a particular message comprising activity performance information for a particular activity. As the rejection currently stands, there

is insufficient clarity and specificity to allow Applicants to directly address the Examiner's contentions.

Claim 67

Claim 67 is a computer readable medium counterpart of method claim 52. Applicants submit that claim 67 is patentable over Akifuji for at least the reasons given above in connection with claim 52.

Applicants further submit that claims 68 and 75-77, which depend from claim 67, and which recite further advantageous aspects of the invention, are likewise patentable over Akifuji for at least the reasons given above in connection with claim 67.

Claim 82

Claim 82 recites:

A system comprising:

a control component, a monitoring component, a first data store, a second data store, a first activity component, and a network for communicatively coupling the first activity component with the second data store, wherein the control component comprises:

means for initiating a first instance of a business process, wherein the first instance comprises a first activity;

means for storing, in the first data store, information pertaining to the first activity of the first instance of the business process;

means for storing a first activity performance request in the second data store, which requests performance of the first activity;

the first activity component comprises:

means for accessing the second data store via the network to obtain the first activity performance request therefrom;

means for performing the first activity in response to the first activity performance request;

means for sending a first performance message via the network to the second data store, wherein the first performance message comprises activity performance information pertaining to the first activity;

the monitoring component comprises:

means for accessing the second data store and obtaining the first performance message therefrom;
means for determining that the first performance message pertains to the first activity of the first instance of the business process; and
means for updating, in the first data store, the information pertaining to the first activity of the first instance of the business process to reflect the activity performance information in the first performance message. (Emphasis added)

Claim 82 recites an advantageous system for implementing a business process using an activity component that is distributed across a network. The system of claim 82 comprises a second data store, a control component, and an activity component. The control component comprises means for storing a first activity performance request in the second data store, which requests performance of the first activity. The activity component comprises means for accessing the second data store via the network to obtain the first activity performance request therefrom, means for performing the first activity in response to the first activity performance request, and means for sending a first performance message via the network to the second data store, wherein the first performance message comprises activity performance information pertaining to the first activity. At least these aspects of claim 82 are not disclosed or suggested by Akifuji.

As discussed previously in connection with claim 52, there is nothing in Akifuji that discloses or suggests storing an activity performance request in a second data store, which requests performance of an activity of an instance of a business process. There is also no mention in Akifuji of an activity component that accesses the second data store to retrieve the activity performance request and to perform the requested activity.

Furthermore, there is no teaching or suggestion in Akifuji of an activity component sending a performance message to the second data store, wherein the performance message comprises activity performance information pertaining to the activity that the activity component has performed.

Overall, the system of claim 82 comprises at least several aspects that are not disclosed or suggested by Akifuji. That being the case, Applicants respectfully submit that claim 82 is patentable over Akifuji.

Applicants further submit that claim 91, which depends from claim 82, and which recites further advantageous aspects of the invention, is likewise patentable over Akifuji for at least the reasons given above in connection with claim 82.

In the Final Office Action, the Examiner merely stated: "Claims 82 and 91 recite limitations already addressed by the rejection of claims 52, 53, and 60-62; therefore, the same rejection applies." As can be seen, the rejection of claims 82 and 91 provides very little detail with regard to which elements in Akifuji are being interpreted to be which elements in claims 82 and 91. In future Office Actions, if the Examiner continues to use Akifuji as a reference, Applicants respectfully request that the Examiner specifically identify which elements in Akifuji the Examiner is interpreting to be the second data store, the control component, the first activity component, and the monitoring component of claim 82. Applicants further request that the Examiner identify the specific portions of Akifuji that purportedly teach: (1) a means for storing a first activity performance request in the second data store, which requests performance of the first activity; (2) a means for accessing the second data store via the network to obtain the first activity performance request therefrom; (3) a means for performing the first activity in response to the first activity performance request; and (4) a means for sending a first performance message via the network to the second data store, wherein the first performance message comprises activity performance information pertaining to the first activity. As the

rejection currently stands, there is insufficient clarity and specificity to allow Applicants to directly address the Examiner's contentions.

CLAIM REJECTIONS – 35 U.S.C. §103

In the Final Office Action, the Examiner rejected claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95 under 35 U.S.C. §103(a) as being unpatentable over Akifuji et al (U.S. Patent No. 6,853,974), as applied to claims 52, 53, 67, 68, 82 and 91 above, in view of Official Notice. This rejection is respectfully traversed.

Claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95 depend variously from the independent claims 52, 67, and 82. If it can be shown that the independent claims are patentable over Akifuji and the Official Notice, then it logically follows that claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95, which depend from the independent claims, are likewise patentable over Akifuji and the Official Notice.

As argued above, Akifuji fails to disclose or suggest at least several aspects of the independent claims 52, 67, and 82. These missing aspects are also not disclosed or suggested by the concepts on which Office Notice has been taken. Thus, even if Akifuji were combined with the Official Notice (assuming for the sake of argument that it would have been obvious to combine), the combination still would not give rise to the invention as claimed in independent claims 52, 67, and 82. Thus, Applicants respectfully submit that independent claims 52, 67, and 82 are patentable over Akifuji and the Official Notice.

Applicants further submit that claims 54-59, 65, 66, 69-74, 80, 81, 83-90 and 92-95, which depend from the independent claims, and which recite further advantageous

aspects of the invention, are likewise patentable over Akifuji and the Office Notice for at least the reasons given above in connection with independent claims 52, 67, and 82.

CONCLUSION

For the foregoing reasons, Applicants submit that all of the pending claims are patentable over the art of record, including any art cited but not applied. Accordingly, allowance of all of the pending claims is hereby respectfully solicited.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issues that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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